

**REMARKS**

The Office Action dated September 29, 2006 has been received and carefully considered. In this response, claims 31 and 32 have been amended to correct an antecedent informality resulting from the prior cancellation of dependent claims. These amendments do not alter the scope of the claims and support for the amendments may be found in the specification and drawings as originally filed. Reconsideration of the outstanding rejection in the present application is respectfully requested based on the following remarks.

**Withdrawal of Claims 42-57 and 64-72**

At page 2 of the Office Action, claims 42-57 and 64-72 were withdrawn by the Office as being directed to an invention that is independent or distinct from the invention originally claimed. This restriction is respectfully traversed in order to preserve the issue for subsequent petition since the examination of all of the claims does not create an undue burden on the Office and that the subject matter among the groups is not independent and distinct as required by statute.

**Obviousness Rejection of Claims 31, 58, 59 and 60**

At page 3 of the Office Action, claims 31, 58, 59 and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheriton (U.S. Patent No. 6,831,917 B1) in view of Schober (U.S. Patent Application No. 2001/0044835 A1). This rejection is respectfully traversed.

***Cheriton and Schober fail to disclose or suggest at least the features of “determining at the display device a select channel of a plurality of channels based on the first data transmission rate” as recited by claim 31***

With respect to independent claim 31, the Office Action asserts that Cheriton discloses the claimed features of “determining at the display device a select channel of a plurality of channels based on the data transmission rate [between the display device and a wireless access point]. . .” and cites the passages of Cheriton at col. 7, lines 5-8, col. 2, lines 59-65, and element 550 of FIG. 5 in support of this assertion. *Office Action*, p. 3. The Applicants respectfully disagree. Rather than disclosing that the display device determines a select channel of a plurality

of channels based on its data transmission rate as would be consistent with claim 31, Cheriton instead teaches that each subscriber 550 joins the same “single source multicast group (S, G)” and it is the NAT compatible switch 300 (which is separate from the subscribers 550) that remaps different multicast streams to different subscriber groups via virtual network address translation mapping such that “subscribers 440 to such a single-source, virtual host multicast would likely be unable to detect a source transition because all of the traffic will appear to the subscribers [550] as originating from a single virtual host (S, G)”. See, e.g., *Cheriton*, col. 3, lines 22-41, col. 3, line 65 – col. 4, line 53, and col. 5, lines 19-21 (emphasis added). Thus, Cheriton clearly teaches that each subscriber 550 subscribes to the same multicast address regardless of its data transmission rate, and thus Cheriton fails to disclose or even suggest that a subscriber 550 (as the alleged “display device”) determines a channel of a plurality of channels based on its data transmission rate. Accordingly, Cheriton fails to disclose or suggest at least the features of “determining at the display device a select channel of a plurality of channels based on the data transmission rate” as recited by claim 31.

The Office Action relies on Schober as allegedly disclosing the claim features of “determining at a display device a data transmission rate between the display device and a wireless access point” recited by claim 31. *Office Action*, p. 3. However, as discussed above, Cheriton fails to disclose or suggest that a select channel of a plurality of channels is determined at a display device based on the data transmission rate. The Office Action does not assert that Schober teaches this feature, nor in fact is this feature disclosed or suggested by Schober. Accordingly, the proposed combination of Cheriton and Schober fails to disclose or suggest at least the claim feature of “determining at the display device a select channel of a plurality of channels based on the data transmission rate” as recited by claim 31. Consequently, the proposed combination of Cheriton and Schober fails to disclose or suggest each and every feature recited by claim 31.

***Cheriton and Schober fail to disclose or suggest at least the features of “determining, at the networked display device, a first multicast address from a plurality of multicast addresses based on the first data transmission rate” as recited by claims 58-60***

Independent claim 58 recites the features of “determining, at the networked display device, a first multicast address from a plurality of multicast addresses based on the first data

transmission rate [of a transmission connection of the networked display device].” As similarly noted above with respect to claim 31, neither Cheriton nor Schober discloses or suggests that a networked display device determines a first multicast address from a plurality of multicast addresses based on its data transmission rate. Rather, Cheriton teaches that each subscriber 550 subscribes to the same multicast address and it is instead the NAT switch 300 that selects the proper version of a multicast channel and then performs virtual network address translation mapping to route the selected version of the multicast channel to each subscriber. Schober is entirely silent as to multicasting. Accordingly, Cheriton and Schober, individually and in combination, fail to disclose or suggest at least the features of “determining, at the networked display device, a first multicast address from a plurality of multicast addresses based on the first data transmission rate” recited by claim 58. Consequently, the proposed combination of Cheriton and Schober fails to disclose or suggest each and every feature recited by claim 58. The combination of Cheriton and Schober therefore also fails to disclose or suggest each and every feature of claims 59 and 60 at least by virtue of their dependency from claim 58.

***The Office Action fails to establish a motivation to combine Cheriton and Schober***

The Office Action asserts that it would have been obvious for one of ordinary skill in the art to combine the teachings of Cheriton and Schober to arrive at the particular combinations of features recited by claims 31 and 58-60. *Office Action*, p. 3. In particular, the Office Action asserts “the motivation would have been to enable the device to perform an informed decision when subscribing to the multicast channel.” *Id.* However, the Office Action fails to point to any passage of Cheriton or Schober that discloses or suggests that the ability to “perform an informed decision when subscribing to the multicast channel” would be desirable or advantageous. The Office Action also fails to demonstrate that this motivation was in the knowledge of one of ordinary skill in the art as of the time of the filing of the Present Application. Rather, it is respectfully submitted that the proposed motivation is merely a hindsight reconstruction generated from the teachings of the Present Application. Moreover, the teachings of Cheriton are contrary to the proposed motivation of “perform[ing] an informed decision when subscribing to the multicast channel.” As discussed above, Cheriton is directed to a technique whereby each subscriber “simply subscribe[s] to the single virtual host as the source of a multicast channel” (*Cheriton*, Abstract (emphasis added)) such that it “appears to receiver groups as if it were

originating from a unique, single-source host” (*Id.*, col. 1, lines 60-61). Thus, one of ordinary skill in the art will readily appreciate that Cheriton teaches that the remapping of different multicast channels is performed external to the subscribers and explicitly without any knowledge by the subscribers, and therefore would appreciate that the disclosure of Cheriton discourages performing “an informed decision” with respect to selecting a multicast channel. For at least these reasons, the Office Action fails to establish a *prima facie* case of motivation for the combination of Cheriton and Schober.

***The obviousness rejection of claims 31 and 58-60 is improper and should be withdrawn***

As established above, Cheriton and Schober, individually and in combination, fail to disclose or suggest at least one feature recited by each of claims 31 and 58-60. Moreover, contrary to the assertions of the Office Action, there is no motivation to combine Cheriton and Schober. Accordingly, it is respectfully submitted that the obviousness rejection of claims 31 and 58-60 is improper and reconsideration and withdrawal of this rejection therefore is respectfully requested.

**Obviousness Rejections of Claim 32 and 61-63**

At page 5 of the Office Action, claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheriton in view of Schober as applied to claim 31 above, and further in view of Sachs (U.S. Patent Application No. 2002/0080802 A1). At page 6 of the Office Action, claim 61 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheriton in view of Schober and further in view of Hinderks (U.S. Patent Application 2002/0067730 A1), and claim 62 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheriton in view of Schober and further in view of Aho (U.S. Patent No. 6,198,941 B1). At page 8 of the Office Action, claim 63 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheriton in view of Schober and Aho, and further in view of Hinderks. These rejections are respectfully traversed.

As discussed above, the proposed combination of Cheriton and Schober fails to disclose or suggest at least one feature of each of independent claims 31 and 58. Likewise, Sachs, Hinderks, and Aho fail to compensate for the deficiencies of Cheriton and Schober with respect to claims 31 and 58. Accordingly, the proposed combinations of Cheriton, Schober, Sachs,

Hinderks, and Aho fail to disclose or suggest the features recited by claims 32 and 61-63 at least by virtue of their dependency from one of claims 31 and 58. Moreover, these claims recite additional novel features. Reconsideration and withdrawal of these obviousness rejections therefore is respectfully requested.

### **Conclusion**

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-1835.

Respectfully submitted,

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